

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF HAWAII
THE ESTATE OF ERIK A. POWELL,) Civil No.
THROUGH PERSONAL REPRESENTATIVE) CV04-00428LEK
MARY K. POWELL; THE ESTATE OF)
JAMES D. LAUGHLIN, THROUGH PERSONAL)
REPRESENTATIVE RAGINAE C. LAUGHLIN;)
MARY K. POWELL, INDIVIDUALLY;)
RAGINAE C. LAUGHLIN, INDIVIDUALLY;)
CHLOE LAUGHLIN, A MINOR, THROUGH)
HER NEXT FRIEND, RAGINAE C.)
LAUGHLIN,)
Plaintiffs,)
vs.)
CITY AND COUNTY OF HONOLULU,)
Defendant,)
and)
CITY AND COUNTY OF HONOLULU,)
Third-Party Plaintiff,)
vs.)
UNIVERSITY OF HAWAII, a body)
corporate; JOHN DOES 1-10, JANE)
DOES 1-10; DOE CORPORATIONS and)
DOE ENTITIES,)
Third-Party Defendants.)

DEPOSITION OF DANIEL NEVES
Taken on behalf of Plaintiffs at the Law Offices
of Ian L. Mattoch, 737 Bishop Street, Suite 1835,
Honolulu Hawaii, commencing at 2:00 p.m. on March
24, 2006, pursuant to Notice.

Before: WILLIAM T. BARTON, RPR, CSR NO. 391

EXHIBIT "19"

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1 on the incident report.
2 Q. The wife and the brother of the two
3 victims?
4 A. Correct. Because somebody did go up on
5 the ledges and look down, Clarence Moses. He did
6 see the second person.
7 Q. Let me stop you there.
8 When you were walking back and people
9 were clapping, Katie Powell walked up to you?
10 A. When I was walking back, yes.
11 Q. A second time?
12 A. Yes.
13 Q. Do you remember what she said to you?
14 A. She said, My brother, and dah, dah, dah,
15 my husband are, you know, they went snorkeling.
16 And they didn't -- she didn't know where they were
17 and if I had seen them.
18 I said, No, I haven't. I asked her
19 where they would have went. She said she didn't
20 know at the time. And that's pretty much all I
21 remember. And I went back, and we were kind of --
22 Q. You just said, you described the person
23 you just saved, to her?
24 A. Correct.
25 Q. And her response was that --

1 to scan.
2 Q. So do you remember that the jet skis got
3 there, the jet ski got there, around --
4 A. Half an hour after the first person was
5 taken out.
6 Q. And then was that after -- before or
7 after Clarence Moses saw the second body, or about
8 the same time?
9 A. It was after. They got down, after.
10 Q. And then what do you remember happening?
11 A. Hell breaking loose. I just remember
12 just -- all -- they put the jet skis in, they flew
13 out there --
14 Q. Was there more than one?
15 A. Just one jet ski. And Ron Bregman was
16 in the back there, I believe, was on the jet ski
17 with them, if I'm thinking right. I'm not sure.
18 Q. Who was driving?
19 A. It wasn't Rob Dorr; it was Billy. Rob
20 Dorr was on the back, because he hurt his back
21 from getting the guy on the sled. He was just
22 heavy and foaming, and he was gone.
23 Q. Let's break it down.
24 You saw the jet ski take off to Witches
25 Brew?

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1 A. It wasn't them. And maybe because she
2 was still in disbelief. Or what. But I don't
3 know. But she was like, No, that's not them. No,
4 no.
5 Q. Okay.
6 A. And at that point, I kind of -- we, as a
7 unit, knew, like, wait, somebody else must be out
8 there, and that must be them. And that's why
9 somebody went up to the top, to scan over the
10 area.
11 Q. That was Clarence Moses?
12 A. Correct.
13 Q. And then he did see another body?
14 A. Correct. And we did have the jet
15 skis -- as far as I know, like we called in the
16 jet ski rescue team to come in. And I don't know
17 what they were doing, waiting at Sandy Beach.
18 Q. That was your understanding, was that
19 they were on stand by at Sandy Beach?
20 A. Our understanding was they were coming
21 to Hanauma Bay right then and there, because it's
22 a situation that needed -- well, it called for a
23 rescue operators.
24 We don't -- if there's a possible
25 missing person, we need to find out, and we need

1 A. Correct.
2 Q. And that's the back area of Witches Brew?
3 A. Correct.
4 Q. And that's the area that you cannot see
5 from the beach or the tower?
6 A. Correct.
7 Q. Right?
8 A. Right.
9 Q. And you were on the beach at that time,
10 or in 3 Alpha?
11 A. I probably -- yeah. I was taking a
12 shower, probably, just to get the filth off me. I
13 had spit in my mouth, all over my body. All I
14 could feel was acid.
15 So I was taking a shower, then all of a
16 sudden, they were like, I heard on the radio, and
17 another guy. And brought him up on the thing, and
18 I started doing the same thing I did before.
19 Q. So they returned him to the beach on the
20 jet ski?
21 A. Yeah.
22 Q. And the second body was on the sled?
23 A. Correct.
24 Q. And once you got to the beach, you
25 started doing CPR again?